

ENTERED

October 30, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

| | | |
|-------------------|---|------------------------------|
| MARK EDWARD LANE, | § | |
| | § | |
| Petitioner, | § | |
| VS. | § | CIVIL ACTION NO. 2:20-CV-267 |
| | § | |
| BOBBY LUMPKIN, | § | |
| | § | |
| Respondent. | § | |

OPINION AND ORDER OF TRANSFER

This is a habeas action filed on October 22, 2020, by a state prisoner incarcerated at the time of filing at the McConnell Unit in Beeville, Texas, which is located in Bee County. (D.E. 1).¹ In his complaint, Plaintiff challenges his March 6, 2006 Bell County, Texas burglary conviction. (D.E. 1).

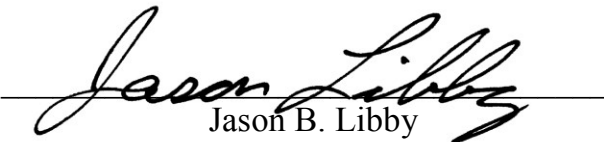
A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); *Wadsworth v. Johnson*, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration at the time of filing was in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in Bell County in the Waco Division of the Western District of Texas. 28 U.S.C. § 124(d)(2).

¹Petitioner's listed facility as of today's date is the Hamilton Unit located in Bryan, Texas. <https://offender.tdcj.texas.gov/OffenderSearch/offenderDetail.action?sid=03319446> (last visited 10/29/2020).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). A habeas application may be transferred in furtherance of justice to the district court within which the state court was held which convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Because Petitioner was convicted in Bell County, it is more convenient and would further the interests of justice for this action to be handled in the Waco Division of the Western District of Texas. The records of his conviction and the prosecutor and defense lawyers are all located in the Waco Division of the Western District of Texas.

Accordingly, it is ordered that this case be transferred to the United States District Court for the Western District of Texas, Waco Division. All pending motions are **DENIED** as moot and are subject to renewal after the case is transferred.

ORDERED this 29th day of October, 2020.


Jason B. Libby
United States Magistrate Judge